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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,529	03/08/2002	Mie Matsuo	04329.2763	8900

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/092,529

Applicant(s)

MATSUO ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8, 10- 15, and 17-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10- 15, and 17-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date October 15, 2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 10- 15, and 17-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray in view of Applicant's disclosure.

Ray teaches a system and method for the selection of heating equipment. Specifically, Ray prompts the user through display images for necessary information (column 3; lines 44-46). Examiner notes that this represents prompting a buyer to input a specification of the product the buyer wants to buy.

Ray then uses the information specification information input by the user to display a list of equipment options by general product line for the user's consideration (column 6; lines 30-31). Examiner notes that this represents extracting the electronic product which meets the specification of the product from a database.

Ray further teaches a program that determines an estimated annual energy cost for various types of heating options satisfying the heat loss value previously calculated (based on user input specification) (column 6; lines 15-19). Examiner notes that these calculations represent performance data and thus also represents a simulating a condition for manufacturing.

Ray also teaches prompting the user to select an product from a list to meet or exceed the total heat loss value (column 6; lines 40 -43). Examiner notes that this represents providing the

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expected buyer with conditions for manufacturing and prompting the user to answer if the condition is satisfied (i.e. if it is satisfied the user selects the product).

Examiner notes that Ray does not teach an electronic product, namely a semiconductor nor that the simulation relates to the performance of the semiconductor. However, in the background section of the Specification, Applicant teaches simulation of performance of electronic equipment is old and well known, but costly to implement. Examiner thus notes that It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system for the selection of heating equipment as taught by Ray to include the selection of electronic components by including in the database of heating performance data, simulation data on semiconductors as taught by Applicant in order to help users select electronic equipment.

### ***Response to Arguments***

Applicant's arguments with respect to claims 4, 5, 11, 12, 18, 19, 21 and 25-32 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, with respect to claims 1, 3, 6-8, 10, 13-15, 17, 20 and 22-24, filed 1/27/05 have been fully considered but they are not persuasive.

Applicant asserts that the Background of the Invention nowhere teaches that "simulation of performance of electronic equipment is old and well known." Applicant further asserts that the Specification, rather than teaching that "simulation of performance of electronic equipment is old and well known, actually teaches away from such a conclusion since the Specification states that "preparing simulation tools that can be used for the evaluation also consumes much time and involves a large cost." Examiner disagrees.

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Applicant teaches that a “conventional” (a fixed practice) method for a customer to build a system using several semiconductor chips. Examiner asserts by using the term conventionally, Applicant is admitting that the method is a fixed practice and was at the very least known to the Applicant at the time of the invention.

Further, Applicant admits that “it (the conventional method) took massive labor costs, and the cost of the system has risen”. Examiner notes that the system is a system used by the customer to perform the conventional method and therefore this system is also admitted as known to the Applicant at the time of the invention.

On page 2, of the Specification, Applicant admits that “simulation tools have to be introduced into the process of constructing the system (the admittedly known system) in order to evaluate matching of different semi conductor chips and chip performance that can be obtained when chips are integrated.”

Based on the statements made by applicant, namely, an admitted conventional method that includes an admitted system, which further requires simulation tools to perform the admitted method, Examiner asserts that the simulation tools are admitted as, at the very least known by the Applicant at the time of the invention.

With respect to Applicant’s assertion that the statement, “preparing simulation tools that can be used for the evaluation also consumes much time and involves a large cost” teaches away from the fact that simulation tools were known by Applicants. Examiner also disagrees.

Examiner is not claiming that “inexpensive and efficient” simulation tools were known, just that simulation tools were known. As such, Applicant’s arguments that they cost too much

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or consume too much time, only solidifies Examiner's point that they do exist. How well they work is immaterial to this discussion.

Further, Applicant's not claiming a new and improved simulation system. Rather, Applicant is claiming a new method and system for the preparation of using simulation tools, which include coordination with a manufacturer. Examiner finds support for this in the following statement made by Applicant, "Additionally, preparing simulation tools that can be used for the evaluation also consumes much time and involves a large cost."

In other words, Applicant's invention reduces the cost and time associated with building and purchasing a system that uses several semiconductor chips by implement a computer system that decrease the preparation and transmission of communications to a simulation tool.

Examiner asserts that this is exactly the efficiency and cost savings taught by Ray, only applied to heating equipment. Therefore, it is oblivious apply this efficient and cost effect method taught by Ray to the admittedly conventional simulation tools for semiconductors as disclosed by Applicant. The resulting combination renders obvious, to one of ordinary skill in the art, each and every claimed limitation of Applicant's invention.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action with respect to claims 4, 5, 11, 12, 18, 19, 21 and 25-32.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

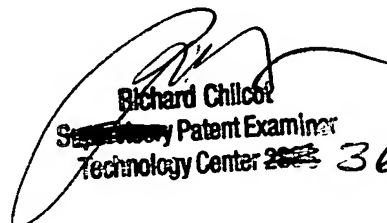
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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